

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
9535 E. DOUBLETREE RANCH ROAD, SUITE 100, SCOTTSDALE, AZ 85258
PHONE (602) 364-1PET (1738) FAX (602) 364-1039
VETBOARD.AZ.GOV

COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a
separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: Feb. 5, 2018

Case Number: 18-68

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Abby Don
Premise Name: Adobe Veterinary Center
Premise Address: 8300 E. Tangue Verde Rd.
City: Tucson State: AZ Zip Code: 85749
Telephone: 520-546-8387

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Barbara E. Sherrill
Address: [REDACTED]
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]
Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Beauty
Breed/Species: Domestic Longhair / Bobcat
Age: close to 18 yrs old Sex: Female Color: Black w/ auburn

PATIENT INFORMATION (2):

Name: _____
Breed/Species: _____
Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

Abby Don

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

Just myself

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Barbara E Dhruil

Date: 12/10/17

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

See a Hatched letter

Failed to see Beauty on Saturday,
when originally told appointments
available. May have been discrimination
because I discussed administering
natural medicine.

In 48 hour period made me wait
for Beauty to be seen, she had a
drastic downturn and do not have
an Emergency Vet to take her otherwise.
Many people express concern about
Emergency Vets!

Used in house blood testing, felt exaggerating
inability for result because did obtain result
at some point. Requested antibiotics
but refused unless I take her to Emergency Vet!

They knew I didn't have Emergency Vet to take her.

May 6, 2017

Adobe Veterinary Center
8300 E. Tanque Verde Rd.
Tucson, AZ 85749

RE: Beauty – feline almost 18 still jumped to high places just before illness

Dear Adobe Veterinary Center,

I am writing regarding your failed care for my assistive animal cat Beauty. I first contacted your office on Saturday March 4, 2017, because it appeared you were open for more than just a few hours as most Vet offices on Saturday. In addition, you were in close proximity to my residence due transportation issues and having to take Uber to transport Beauty to your office. The first thing I asked when your employee answered the phone was, "Do you still have appointments available today?" Your employee answered, "Yes." She then inquired as to what was going on with my animal. I informed her and she said, "Just a moment while I go speak to the technician" (or something similar). She came back to the phone and then said, "We don't have anymore appointments available today." That was in complete contradiction to what she had already told me before she spoke to further employees at your facility. It was critical that Beauty be seen that day and your employee told me she did have appointments still available, but then reversed that information without any explanation. She then offered me an appointment on Monday, and I had no choice but to go ahead and take it. Unfortunately, the Emergency Vet offices in Tucson have been involved in causing very serious fatal harm to numerous of my assistive animal cats. It appears your office has continued that harm and indications that you are probably acquainted with Vets at the Emergency facilities, especially the one facility that caused the most serious illegal harm.

I requested or asked that Beauty be given an antibiotic, but you refused. Instead you gave her a drug for vomiting, even though I never informed that she was vomiting and she wasn't. I inquired about fluids and you said you administered her some fluids, however I believe I had told you she was drinking water from her dish while we there. Therefore, you may have given her too many fluids. Like clockwork within less than 24 hours of taking Beauty to your Vet facility she died. She needed an antibiotic for probably not only her kidneys, but definitely for upper respiratory that quickly worsened from the Saturday I first phoned your facility to the Monday appointment I was given instead of Saturday. I told your facility that in those couple days she stopped eating soft food, but was drinking filtered water and organic whole or skim milk and that she would even hang out over the bowl drinking off and on for a period of time. You thought it was drooling. So I doubt she was nauseated like you accused and gave her drug for vomiting. I have researched that drug, and she immediately experienced the side affect of that drug that is reported online.

I had planned to take her to a Vet facility on the prior Friday that was very far from my residence, but my credit card company failed to post funds I paid onto my card several days late so that I could get a rental car to transport her to that facility. Therefore, why I phoned your

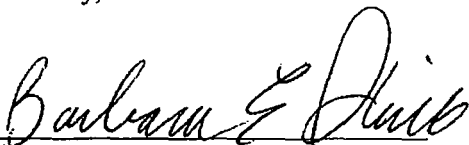
facility on Saturday. In addition, my cat family never experienced upper respiratory in the some twenty years they lived, until Beauty's Aunt became exposed last spring from a Vet facility I took her. She pretty quickly came down with it after, but not having ever experienced it before or knowledge. Yet I took her to both an additional Vet facility and Pima Emergency and no one ever said a word. It progressed into her eye and I still had no knowledge except that we had extreme exposure to Valley Fever that gives you extreme conjunctivitis that I have experienced. A new Vet facility I took her finally informed me but he also failed to give her an antibiotic, even though accomplished procedures to stop the damage to her eye but still very bad. Just like your facility on that Saturday I had another facility fail timely care for her also, even though I actually had an appointment. I assume because Beauty was very active around her Aunt at the time that she was exposed also, while Beauty's still alive 19 year old Mother was more reclusive and not so active around her sister and at the least much less exposure.

The research says that for a cat as old as Beauty close to 18 and her Aunt over 18 years old, an antibiotic should always be given to prevent pneumonia. I believe the antibiotic would have also been very helpful for Beauty's kidneys if truly as infected as you seemed to indicate, with at first what I believed to be theatrical exaggeration. You eventually produced results when you had said that her levels were so high the machine couldn't produce a result. I also have concerns that you were producing her results in house from your own machinery. I have experienced other concerns regarding lab results run in house.

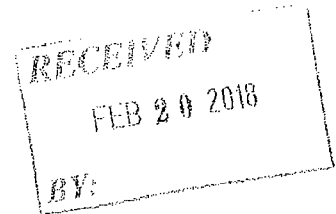
Lastly, you only offered to help Beauty if I put her in the hospital, which meant thousands of dollars and still have her die from what I have experienced. Especially since you said it would have to be at one of the Emergency facilities that had already caused serious illegal harm to other members of my assistive cat family and therefore not possible to take her to those facilities.

You should have simply given Beauty an antibiotic, but instead told me to euthanize her! You only took her in the back and did things to her after I refused. I have concerns your goal was to terminate her life. So otherwise besides what I discussed above, I can't be sure of what other drug you may have put in her to terminate her life if I was not willing to be charged thousands of dollars only to still terminate her life. You could have and should have given her an antibiotic, in the facility and further to administer at home.

Sincerely,


Barbara E. Sherrill, Beauty's owner

Abby Don, DVM



February 19, 2018

Arizona State Veterinary Medical Examining Board
1740 W. Adams St., Suite 4600
Phoenix, AZ 85007

Re: Case 18-68

Dear Members of the Board,

I have received your February 7, 2018 correspondence regarding the complaint made against me by Barbara Sherrill concerning the care I provided for her cat, "Beauty." Enclosed, please find a copy of the entire medical record. Additionally, I am providing the following narrative account of my care for the patient:

I examined Beauty, an 18-year-old female spayed cat, on Monday, March 6, 2017. She was scheduled for a 30-minute appointment at 2 pm. On examination she appeared very weak, thin, and nauseous with ptialism noted. The patient was hypothermic and rewarming techniques were started right away. I immediately expressed my concerns for how critical Beauty looked and discussed differentials including kidney disease. After discussion with the owner, we elected to do in-house bloodwork to try and finding the underlying cause for Beauty's condition.

The bloodwork returned with the machine being unable to read the BUN, creatinine, and phosphorus. These results were relayed to the owner immediately while my technicians were diluting the sample to get results. I talked about kidney disease in cats including long term management at home in the future such as subcutaneous fluids and Cerenia. Discussed based on her clinical condition, hospitalization was strongly recommended. I discussed that we are not a 24-hour facility and don't feel comfortable leaving patients alone overnight so gave recommendations for ER facilities. Owner stated that she thought an infection was the cause and that she just wanted antibiotics. Agreed to pursue an in-house urinalysis to look for signs of infection. Reiterated that if an infection was present, I would still recommend hospitalization. Discussed that the urinalysis showed no signs of infection, but was consistent with kidney disease with the final creatinine calculation of 7.2mg/dL.

Due to Beauty's poor condition and the owner's unwillingness to hospitalize Beauty, I discussed humane euthanasia as I believed Beauty was suffering. Owner was not receptive to this discussion. During the visit I also expressed concern for Beauty's thin body condition and we discussed potential underlying hyperthyroidism that could have masked signs of kidney disease and also could cause heart disease. The owner noted she was always a thin cat. I expressed concern how we would want to closely monitor her while rehydrating her as to not place her in heart failure if that was the case. The owner declined any further diagnostics or treatment, adamantly stated that she wanted subcutaneous fluids, the anti-nausea shot, and to take her cat home. An AMA was provided to the owner to sign in addition

to the therapies requested and the owner was urged to go to an ER clinic if any concerns arise. If you have any additional questions, please contact me.

Abby Don, DVM
Associate Veterinarian
Adobe Veterinary Center

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS STREET, STE. 4600, PHOENIX, ARIZONA 85007

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VETBOARD.AZ.GOV

INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Donald Noah, D.V.M. - Chair
Amrit Rai, D.V.M.
Adam Almaraz
Christine Butkiewicz, D.V.M. - **Absent**
Tamara Murphy

STAFF PRESENT: Tracy Riendeau, CVT – Investigations
Victoria Whitmore, Executive Director
Sunita Krishna, Assistant Attorney General

RE: Case: 18-68
Complainant(s): Barbara Sherrill
Respondent(s): Abigail Don, DVM (License: 6563)

SUMMARY:

Complaint Received at Board Office: 2/5/18
Committee Discussion: 5/1/18
Board IIR: 6/20/18

APPLICABLE STATUTES AND RULES:

Laws as Amended July 2014
(Salmon); Rules as Revised September
2013 (Yellow)

On March 6, 2017, "Beauty," an 18-year-old domestic long hair cat was presented to Respondent for decreased appetite. In-house blood work revealed kidney disease and hospitalization was recommended; Complainant declined. Respondent also recommended euthanasia which Complainant declined. Complainant wanted SQ fluids and an antiemetic and take the cat home.

Treatments were provided, Complainant signed an Against Medical Advice form and the cat was discharged. The cat died the following day.

Complainant contends Respondent was negligent in the care of the cat.

Complainant was noticed and did not appear.

Respondent was noticed and appeared with counsel, David Stoll.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Barbara Sherrill*
- Respondent(s) narrative/medical record: *Abigail Don, DVM*

PROPOSED 'FINDINGS of FACT':

1. On March 6, 2017, the cat was presented to Respondent due to a decreased appetite. Upon exam, the cat had a weight = 5.25 pounds; no TPR noted. Respondent stated that the cat was weak, thin, nauseous and drooling. The cat was hypothermic and rewarming techniques were started immediately. Blood work was recommended and approved by Complainant.
2. Blood work returned with the in-house machine unable to read the BUN, Creatinine and phosphorus. Respondent discussed the findings of kidney disease with Complainant while staff diluted the samples to run again. She discussed long term management at home with SQ fluids and cerenia and based on the cat's clinical condition, hospitalization was strongly recommended. Respondent also recommended a 24-hour facility since they do not leave patients alone overnight. At that point, Complainant felt the cat had an infection and just needed antibiotics. Respondent ran a urinalysis and no signs of infection were noted.
3. Since Complainant was unwilling to hospitalize the cat, Respondent also recommended euthanasia as she felt the cat was suffering, which Complainant also declined. Complainant declined further diagnostics and treatment and only wanted SQ fluids and an anti-nausea medication, and to take the cat home. Respondent had Complainant sign an Against Medical Advice form; administered NaCl 0.9% 50mLs SQ and 2.2mg of cerenia SQ and the cat was discharged.
4. The following day, Complainant called upset and wanted to know what Respondent gave that killed the cat.

COMMITTEE DISCUSSION:

The Committee discussed that Respondent handled the case appropriately. The cat was in an end of life situation and options were limited; referral, euthanasia or doing the best for the pet despite limitations placed by the pet owner.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the *Veterinary Practice Act* occurred.

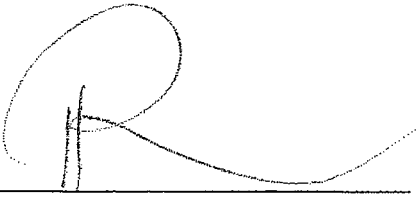
COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 4 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

A handwritten signature in black ink, appearing to be 'TRACY A. RIENDEAU', written over a horizontal line.

Tracy A. Riendeau, CVT
Investigative Division